



City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	20-101542-WG
Proposal Name:	Nann Pier Repair and Platform Lift
Proposal Address and Location:	148 W Lake Sammamish Pkwy SE
Water Body:	Lake Sammamish
Shoreline Environment Designation:	Shoreline Residential
Proposal Description:	Shoreline Substantial Development Permit to install one (1) ground-based platform lift; remove a portion of the existing residential dock; remove existing wood decking and replace w/grated decking, repair stringers, caps, structural piles, and other structural portions; remove an existing mooring pile; remove an existing rail system; and remove an existing boatlift canopy.
Applicant: <input type="checkbox"/> Applicant owns property	Greg Ashley, 16412 NE 10 th Pl. Bellevue, WA 98008, 425-957-9381, greg@shoreline-permitting.com
Applicant Representative:	Greg Ashley, 16412 NE 10 th Pl. Bellevue, WA 98008, 425-957-9381, greg@shoreline-permitting.com
Application Date:	January 17, 2020
Notice of Application Date:	March 12, 2020
Notice of Decision Date:	May 21, 2020

SEPA Determination:

Determination of Non-Significance

SEPA Appeal Deadline:

June 4, 2020

Heidi Bedwell, Planning Manager

Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department

By: *Heidi Bedwell, Planning Manager*

David Wong, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit shall not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Nann Pier Repair and Platform Lift

Proposal Address: 148 W Lake Sammamish Pkwy SE

Proposal Description: Shoreline Substantial Development Permit to install one (1) ground-based platform lift; remove a portion of the existing residential dock; remove existing wood decking and replace w/grated decking, repair stringers, caps, structural piles, and other structural portions; remove an existing mooring pile; remove an existing rail system; and remove an existing boatlift canopy.

File Number: 20-101542-WG

Applicant: Greg Ashley, Ashley Shoreline Design and Permitting

Decisions Included: Shoreline Substantial Development Permit (Process II. LUC 20.25E)

Planner: David Wong, Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance**
Heidi Bedwell, Planning Manager

Elizabeth Stead, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**
Michael Brennan, Director
Development Services Department

Heidi Bedwell, Planning Manager
By: _____
Elizabeth Stead, Land Use Director

Date of Application: January 17, 2020
Notice of Application: March 12, 2020
Decision Publication Date: May 21, 2020

Deadline For Appeal of Process II Administrative Decisions:
SEPA Determination: June 4, 2020
Shoreline Substantial Development Permit: June 11, 2020

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of any Process II Administrative decision must be made by 5 p.m. on the date noted for appeal of the decision. Appeal of the SEPA Threshold Determination must be made to the City of Bellevue City Clerk's Office. Appeal of the Shoreline Substantial Development Permit must be made to the Washington State Shoreline Hearings Board (contact the project planner for more information on how to file an appeal with the Shoreline Hearings Board).

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Attachments:

- A. Site Plan
- B. Environmental Checklist (in file)

I. Proposal Description

a variety residential types and development intensities along the shorelines. The adjacent properties to the north and south are developed with single-family residences and residential docks. **See Figure 2 and Figure 3 for existing conditions.**

Figure 2

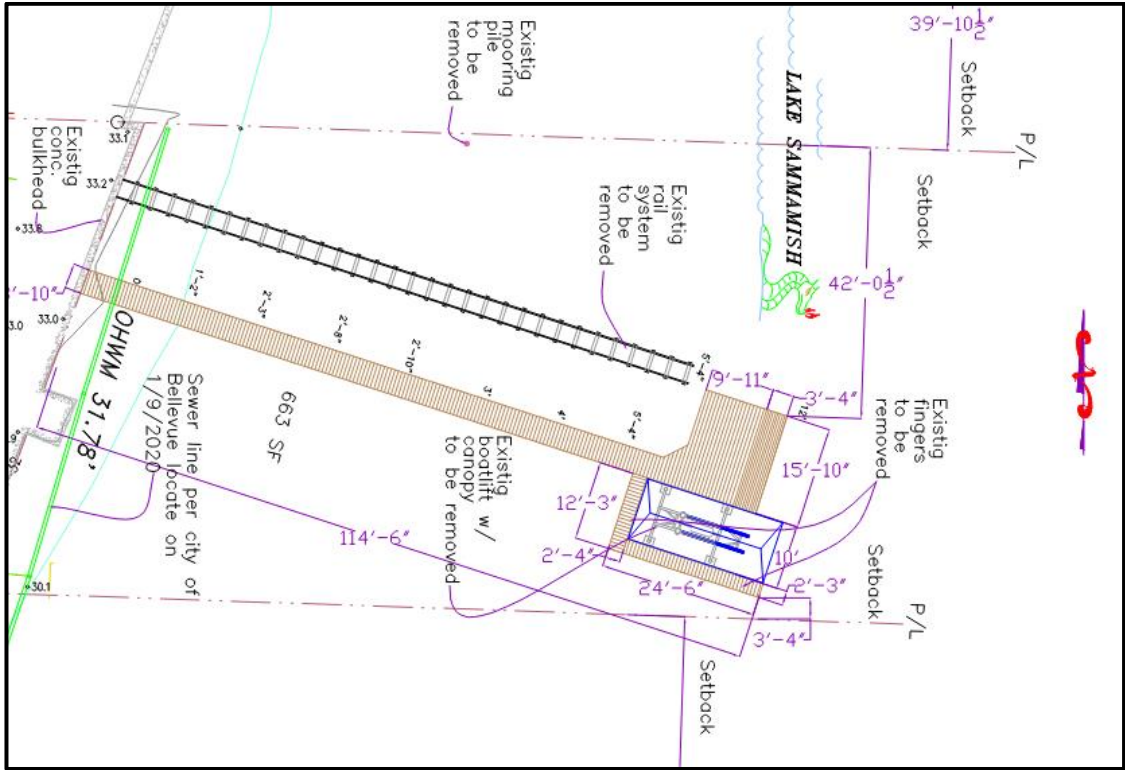


Figure 3



B. Zoning

The property is zoned R-2.5 and is located within the Shoreline Overlay District per LUC 20.25E. Properties in the vicinity are also within the R-1.8 and R-2.5 zoning district which are single-family medium- and low-density residential zone that permits up to 1.8 to 2.5 dwelling units per acre.

C. Shoreline & Critical Area Functions

i. Shorelines

The site is in the Shoreline Residential shoreline environment designation.

Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities.

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996). Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

ii. Habitat Associated with Species of Local Importance

The increase in human settlement density and associated intensification of land use known as urbanization has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005, Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that

evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

Properties within the Shoreline and Critical Area Overlays are part of the city's shoreline master program and are classified as environmentally sensitive. The master program recognizes the site as a shoreline residential environment subject to the provisions of the City's Shoreline Master Program as discussed below.

III. Consistency with Land Use Code (LUC) Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-2.5 zoning district. There are no general dimensional requirements applicable to the subject proposal.

B. Shoreline Master Program Requirements LUC 20.25E:

i. Repair and Replacement of Existing Residential Docks – LUC 20.25E.065.H.5

- a. Materials used for dock repairs shall meet the requirements established in subsection H.3.a of this section;**

Finding: The proposed structural materials include ACZA-treated Douglas-fir timber, stainless steel hardware, Titan grating, and other WDFW approved materials. **See Conditions of Approval in Section IX of this report.**

- b. Any decking that is replaced shall be grated for light transmission;**

Finding: The wood decking will be replaced with Titan grating to allow for light transmission.

- c. Any piles that are replaced shall be the minimum diameter and at the maximum spacing feasible to support the dock configuration; and**

Finding: No piles will be replaced under this proposal. Structural piles will be repaired as needed through splicing to avoid lakebed disturbance.

- d. Projects that replace 75 percent or more of the support piles in the near shore area within a 5-year period shall meet the requirements applicable to reconfigured residential docks contained in LUC 20.25E.065.H.4. of this section;**

Finding: As discussed in (c) above, no support piles are proposed to be replaced. Repair will occur through sleeving as needed.

ii. Boat and Watercraft Lifts – 20.25E.065.H.6

- a. Number.** The number of combined boat and watercraft lifts is limited to four per dock.

Finding: The total number of boat and watercraft lifts proposed is two (2).

- b. Location.** The landward stanchion of any boat or watercraft lift shall be located more than 30 feet waterward of the OHWM or within 30 feet waterward of OHWM if located in at least 9 feet of water depth when measured from the OHWM unless otherwise approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4 Note 4.

Finding: The landward stanchion of the existing boatlift is approximately 88.5 feet from the OHWM and the landward stanchion of the proposed platform lift is approximately 93 feet from the OHWM.

- c. Number of Lift Canopies Allowed.** One fabric watercraft or boat lift canopy is allowed per single-use dock. Two fabric watercraft or boat lift canopies are allowed per joint-use dock. Canopy fabric shall be light-transmitting, unless alternative materials are approved by State or Federal Agencies pursuant LUC Chart 20.25E.065.H.4, Note 4.

Finding: No lift canopies are proposed under this project. A lift canopy is proposed to be permanently removed from the existing boatlift currently on-site.

IV. Public Notice and Comment

Date of Application:	January 17, 2020
Notice of Application:	March 12, 2020
Minimum Comment Period:	April 13, 2020

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on March 12, 2020. It was mailed to property owners within 500 feet of the project site. Staff received one (1) comment prior to the writing of this report.

Comment:

Additional in-water mitigation is needed to off-set the impacts for the new platform lift.

Response:

The performance standards contained within the Shoreline Overlay District code regarding lifts (LUC 20.25E.065.H.6) associated with residential docks and moorage does not require in-water mitigation to be included with a proposal to install any boat or watercraft lift. The proposal includes the removal of several existing features (rail system, boatlift canopy, and moorage pile), reduction of existing dock area and meets all boat and watercraft lift performance standards as

discussed in Section B.ii of this report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

Utilities Department:

The Utilities Division of the Development Services Department has reviewed the proposed development for compliance with Utilities codes and standards. Utilities will require the public sewer main to be shown on all construction plans. These plans shall note that the sewer main is “as located by COB wastewater crew” and the date that the location was done.

Utilities also restricts construction from occurring within 5’ of the sewer main or within the easement on the site. All equipment, barges, and anchors must be kept away from the sewer main during construction. **See Conditions of Approval in Section IX of this report.**

VI. State Environmental Policy Act (SEPA)

The applicant has provided a complete SEPA checklist supported by detailed analysis for review in demonstrating no significant adverse environmental impact. Staff has reviewed the checklist, analysis, and supporting documentation and has determined that, for the proposed action, environmental review indicates no probability of significant adverse environmental impacts provided that applicable city codes and standards are implemented. Therefore, issuance of a Determination of Non-Significance pursuant to WAC 197-11-340 and Bellevue City Code (BCC) 22.02.034 is appropriate.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed construction and minor disturbance is anticipated as the only in-water work is placement of the platform lift and sleeving of existing piles.

B. Animals

The entire dock is proposed to be fully grated which will allow for increased light penetration. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval regarding in-water work and additional agency permitting in Section X of this report.**

C. Plants

Existing vegetation on the shoreline is sparse, consisting of lawn and ornamental plants. No

vegetation will be disturbed as part of the proposal.

VII. Decision Criteria

A. Shoreline Substantial Development Permit Decision Criteria – 20.25E.160.D

The Director of the Development Services Department may approve or approve with modifications if:

1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;

Finding: The applicant's proposal is consistent with the following policies and has demonstrated compliance with the applicable procedures and requirements of the SMP through this application. Specifically:

RCW 90.58.020 Legislative findings - State policy enunciated - Use preference.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The applicant's proposal is consistent with the following policies and has demonstrated compliance with the applicable procedures and requirements of the WAC through this application. Specifically:

WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The site is currently served by adequate public facilities and no change in demand for public services is anticipated through the execution and lifetime of this proposal.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Finding: The applicant's proposal is consistent with the following policies and has demonstrated compliance with the SMP through this application. Specifically:

SH-16 - Discourage structures using materials which have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.

SH-18 - Give preference to residential and water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions.

The proposed dock repairs and new boatlift are consistent with this goal to allow residential use of the shoreline, will be constructed with materials suitable for in-water construction, and will not have an adverse effect on water quality, vegetation, fish, and wildlife in or near the water.

6. The proposal complies with applicable requirements of the Bellevue City Code;

Finding: As discussed in Section III and V of this report, the proposal complies with applicable BCC requirements. Compliance with these sections and all conditions of approval will be verified under the Building Permit application. **See Conditions of Approval in Section IX of this report.**

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including LUC consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the location and installation of the proposed platform lift and noted modifications and repairs. Revision to this approval shall be in accordance with LUC 20.25E.150.E.2.

Note - Expiration of Approval: In accordance with LUC 20.25E.250.C.2, a Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Building Permit and fails to make substantial progress towards completion of the project within two (2) years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.C.6.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities Code	Alison Kolberg 425-452-6054
Land Use Code- BCC 20.25H	David Wong, 425-452-4282
Noise Control- BCC 9.18	David Wong, 425-452-4282

The following conditions are imposed under the BCC or SEPA authority referenced:

1. **State Permits Required:** Prior to the issuance of the required Building Permit, the applicant shall produce evidence of receipt of required state permits for the proposed platform lift.

Authority: LUC 20.25E.065
Reviewer: David Wong, Land Use

2. **Construction Stormwater Pollution Prevention Plan:** To ensure federal and state water quality and effluent standards are met, and Shoreline Overlay District comply with the provision of Chapter 23.76 BCC, a Construction Stormwater Pollution Prevention Plan is required to be submitted for review and approval as part of the Building Permit.

Authority: BCC 23.76
Reviewer: Savina Uzunow, Clearing & Grading

3. **Lake Sammamish Allowed In-Water Work Windows:** The Washington Department of Fish and Wildlife regulates work windows to protect anadromous fish within Lake Sammamish. The project shall comply with WDFW approved work windows for construction.

Authority: LUC 20.25H.160
Reviewer: David Wong, Land Use

4. **Sewer Main Location:** The public sewer main shall be shown on all demolition and construction plans. The plans shall note that the sewer main is "as located by COB waste water crew" and the date that the location was done.

Authority: Sanitary Sewer Engineering Standards
Reviewer: Alison Kolberg, Utilities Department

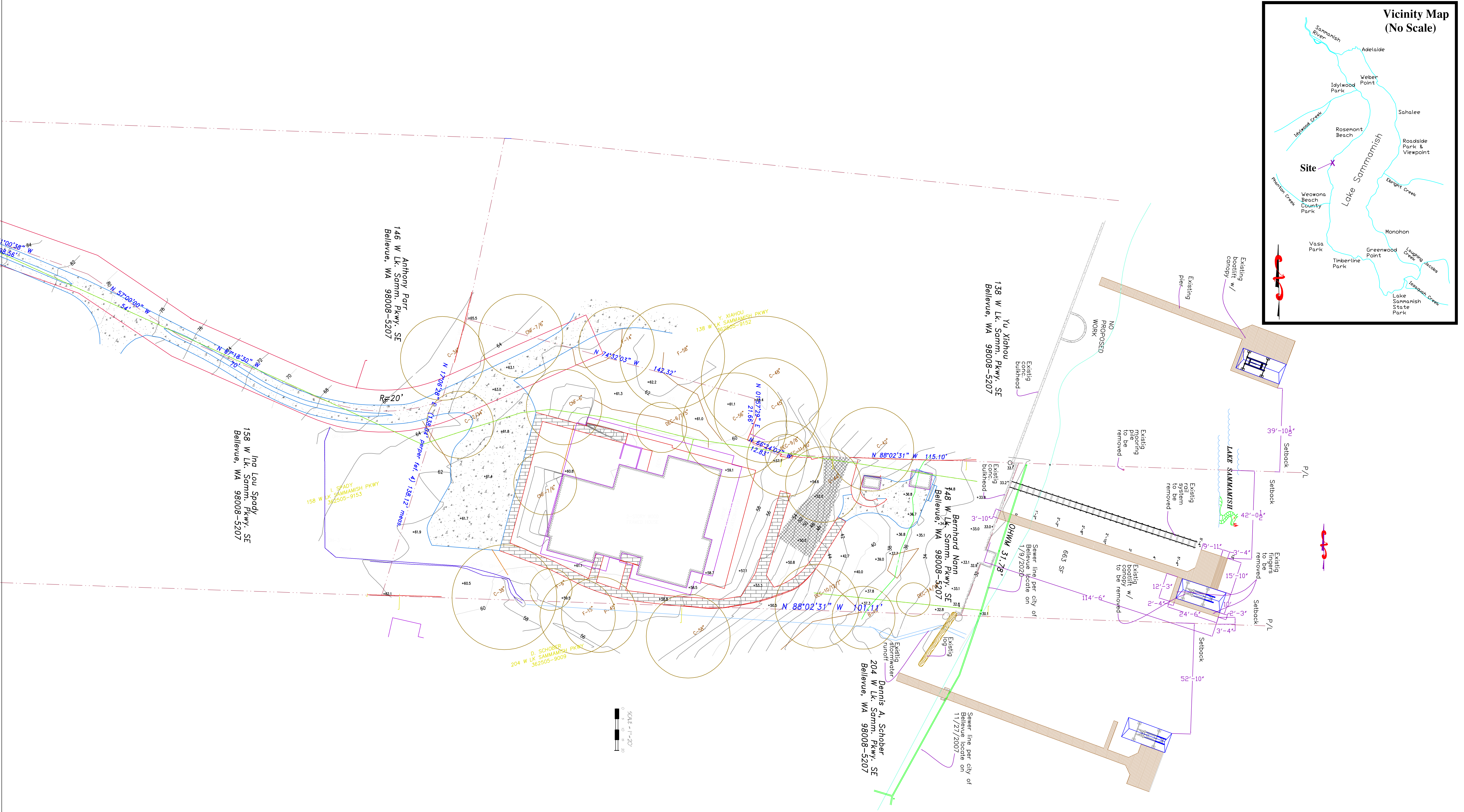
5. **Setback from Sewer:** Construction is not permitted within 5' of the sewer main on the site. All equipment, barges, and anchors must be kept away from the sewer main during construction.

Authority: Sanitary Sewer Engineering Standards
Reviewer: Alison Kolberg, Utilities Department

Ashley Shoreline Design & Permitting

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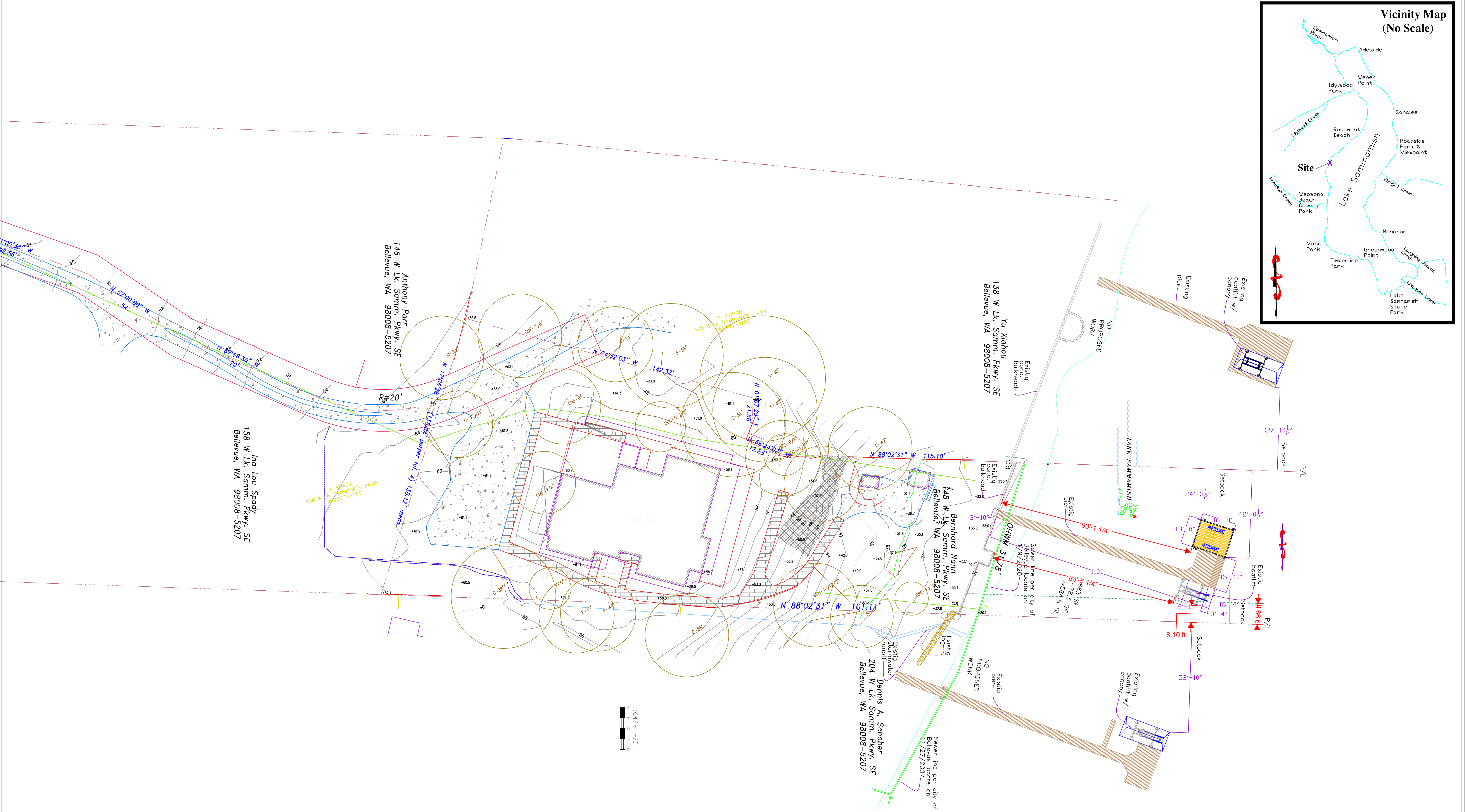


SHORELINE PROJECT FOR :	Bernhard Nann 148 W Lk. Samm. Pkwy. SE Bellevue, WA 98008-5207	LOCATION: Lake Sammamish LAT: 47° 36' 29" North LONG: -122° 06' 37" West LENGTH FROM OHWM: 114'-6" SQ. FT. : 663	DATUM: NAVD 88	PROJECT DESCRIPTION: Repair piles by sleeving with HDPE pipe and filing with concrete. Repair caps & stringers. Remove fingers of slip & 4 support piles, 1 mooring pile, rail system and canopy. Replace decking with Titan grated decking. Install grated platform lift.
PAGE: 1 of 3				DATE: 1/14/2020

Ashley Shoreline Design & Permitting

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greg@shoreline-permitting.com

DRAWING BY: Gregory W. Ashley
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SHORELINE PROJECT FOR : Bernhard Nann
148 W Lk. Samm. Pkwy. SE
Bellevue, WA 98008-5207

PAGE: 2 of 3

LOCATION: Lake Sammamish
LAT: 47° 36' 29" North
LONG: -122° 06' 37" West
LENGTH FROM OHWM: 110'

DATUM: NAVD 88

SQ. FT. : 584.5

PROJECT DESCRIPTION: Repair piles by sleeving with HDPE pipe and filing with concrete. Repair caps & stringers. Remove fingers of slip & 4 support piles, 1 mooring pile, rail system and canopy. Replace decking with Titan grated decking. Install grated platform lift.

DATE: 1/14/2020

DRAWING BY: Gregory W. Ashley

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